

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2020-0260, Brent Tweed & a. v. Town of Nottingham & a., the court on December 23, 2020, issued the following order:

Having considered the briefs and record submitted on appeal, we conclude that oral argument is unnecessary in this case. See Sup. Ct. R. 18(1). The appellant, Nottingham Water Alliance, Inc. (NWA), appeals orders of the Superior Court (Delker and Honigberg, JJ.) denying its motion and renewed motion to intervene in litigation concerning the validity of a municipal ordinance that it drafted, but allowing it to file a memorandum of law, as an amicus curiae, in support of the ordinance's validity. We affirm.

In denying NWA's motions, the trial court determined that NWA lacked a sufficiently direct and apparent interest in the case so as to entitle it to intervene. See Lamarche v. McCarthy, 158 N.H. 197, 200 (2008). We will not overturn the trial court's decision absent an unsustainable exercise of discretion. Id. To establish an unsustainable exercised of discretion, NWA must demonstrate that the ruling was clearly untenable or unreasonable to the prejudice of its case. State v. Lambert, 147 N.H. 295, 296 (2001).

As the appealing party, NWA has the burden of demonstrating reversible error. Gallo v. Traina, 166 N.H. 737, 740 (2014). Based upon our review of the trial court's well-reasoned orders, NWA's challenges to them, the relevant law, and the record submitted on appeal, we conclude that NWA has not demonstrated reversible error. See id.

Affirmed.

Hicks, Bassett, Hantz Marconi, and Donovan, JJ., concurred.

**Timothy A. Gudas,
Clerk**

Distribution:

Rockingham County Superior Court, 218-2019-CV-00398

Honorable Martin P. Honigberg

Honorable N. William Delker

Honorable Tina L. Nadeau

Kira Kelley, Esq.

Richard J. Lehmann, Esq.

Michael P. Courtney, Esq.

Carolyn A. Koegler, Supreme Court

Lin Willis, Supreme Court

File